

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

Michael Smith,)	
)	
Plaintiff,)	
)	Civil Action No.: 6:12-cv-889-JMC
v.)	
)	OPINION AND ORDER
Carolyn W. Colvin,)	
Acting Commissioner of the Social Security)	
Administration,)	
)	
Defendant.)	
_____)	

This matter is before the court for review of the Magistrate Judge’s Report and Recommendation (“Report”) [Dkt. No. 21], regarding Plaintiff Michael Smith’s (“Plaintiff”) claim for Disability Insurance Benefits and Social Security’s Supplemental Security Income Benefits. Plaintiff filed the instant action seeking judicial review of the final decision of the Commissioner of the Social Security Administration (“Commissioner”). The Magistrate Judge recommended that the Commissioner’s decision be reversed under sentence four of 42 U.S.C. § 405(g) and that the case be remanded to the Commissioner for further proceedings. The Commissioner filed a pleading to notify the court that she would not be objecting to the Magistrate Judge’s Report. [Dkt. No. 24].

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. In the absence of objections to the Magistrate Judge’s Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the

record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Furthermore, failure to file specific written objections to the Report results in a party’s waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the record, the court finds the Magistrate Judge’s Report provides an accurate summary of the facts and law in the instant case. The court **ACCEPTS** the Magistrate Judge’s Report [Dkt. No. 21] and incorporates it herein by reference. For the reasons set out in the Report, the Commissioner’s final decision is **REVERSED**. This case is remanded to the Commissioner for further proceedings as described in the Report.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

August 1, 2013
Greenville, South Carolina